

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PRICE G. TURNER, III,

Petitioner,

-vs-

Case No. 15-C-1254

**ROBERT HUMPHREYS, Warden,
Kettle Moraine Correctional Institution,**

Respondent.

DECISION AND ORDER

On December 3, 2015, the Court denied Price Turner's motion to stay this action under the procedure set forth in *Rhines v. Weber*, 544 U.S. 269 (2005). The Court explained that Turner did not risk forfeiting his unexhausted claims because the limitations period was tolled while those claims were pending in state court. Turner did not respond to the Court's direction that he must either voluntarily dismiss this action or express his intent to proceed to judgment on the exhausted claim alleged in his petition.

Therefore, this matter is **DISMISSED** without prejudice. The Clerk of Court is directed to enter judgment accordingly. Turner's motions for transcripts [ECF No. 4] and to appoint counsel [ECF No. 5] are **DENIED** as moot.

The Court declines to issue a certificate of appealability.

Dated at Milwaukee, Wisconsin, this 9th day of May, 2016.

SO ORDERED:

A handwritten signature in black ink, appearing to read "Rudolph T. Randa", is written over a horizontal line.

HON. RUDOLPH T. RANDA
U.S. District Judge